

ASSEMBLY, No. 3708

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Allows relocation of certain exceptions from deed restrictions on preserved farmland.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning preserved farmland and supplementing Title 4
2 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. As used in this act:

8 “Exception for development” means any undeveloped land on a
9 farm entered into a farmland preservation program which is not
10 considered preserved farmland.

11 “Preserved farmland” means land on which a development
12 easement was conveyed to, or retained by, the State Agriculture
13 Development Committee, a county agriculture development board,
14 a municipality, or a qualifying tax exempt nonprofit organization
15 pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-
16 31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of
17 P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-
18 43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37
19 through C.13:8C-40), or any other State law enacted for farmland
20 preservation purposes.

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22 2. a. Notwithstanding any other law, or rule or regulation
23 adopted pursuant thereto, to the contrary, whenever the owner of a
24 farm with an exception for development determines that all or a
25 portion of the existing exception for development is better suited as
26 preserved farmland and a portion of the existing preserved farmland
27 of the same size is better suited as an exception for development,
28 the owner of the farm may apply to the entity holding the
29 development easement on the preserved farmland to move the
30 location of the exception for development to the newly designated
31 location on a portion of the preserved farmland.

32 b. The entity holding the development easement on the
33 preserved farmland and the State Agriculture Development
34 Committee shall approve the application unless either entity finds
35 that:

36 (1) the existing exception for development has been developed
37 for a residence other than housing for agricultural employees or
38 workers;

39 (2) there is a net loss in the acreage, or a loss in the quality, of
40 preserved farmland in agricultural or horticultural use as a result of
41 the relocation; or

42 (3) relocation of the existing exception for development would
43 have a significant adverse effect on agricultural or horticultural
44 operations on the farm.

45 c. (1) The applicant for a relocation approval granted
46 pursuant to subsection a. of this section shall not be entitled to
47 receive any compensation for placement of a development easement

1 for farmland preservation purposes on the former site of the
2 exception for development.

3 (2) The applicant shall pay all reasonable costs incurred by any
4 party resulting from relocation of an exception for development
5 pursuant to this act, including any reasonable application fee that
6 may be assessed by the entity holding the development easement on
7 the preserved farmland.

8 d. An owner of a farm may be granted approval for only one
9 relocation of an existing exception for development on the farm.

10 e. The development of land for agricultural buildings shall
11 have no impact on an application to move an exception pursuant to
12 this section.

13 f. The State Agriculture Development Committee may issue
14 any guidelines, or adopt any rules or regulations pursuant to the
15 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
16 seq.), it determines necessary for implementation of this act.

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18 3. This act shall take effect immediately.

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STATEMENT

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23 This bill provides that the owner of a farm with an exception for
24 development may apply to the entity holding the development
25 easement on the preserved farmland to move the location of the
26 exception for development, if the owner determines that all or a
27 portion of the existing exception for development is better suited as
28 preserved farmland and a portion of the existing preserved farmland
29 of the same size is better suited as an exception for development.
30 The bill defines “exception for development” as any undeveloped
31 land on a farm entered into a farmland preservation program which
32 is not considered preserved farmland.

33 The bill requires the entity holding the development easement on
34 the preserved farmland and the State Agriculture Development
35 Committee to approve the application unless either entity finds that:

36 1) the existing exception for development has been developed
37 for a residence;

38 2) there is a net loss in the acreage, or loss in the quality, of
39 preserved farmland in agricultural or horticultural use as a result of
40 the relocation; or

41 3) relocation of the existing exception for development would
42 have a significant adverse effect on agricultural or horticultural
43 operations on the farm.

44 The bill also specifies that the development of land for
45 agricultural buildings or for agricultural worker housing would have
46 no impact on an application to move an exception.